

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Brian and Mary Booker

Case No.: 16-28921
Judge: ABA
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|---|--|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: 12/16/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 950.00 per month to the Chapter 13 Trustee, starting on January 1, 2017 for approximately 58 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|------------------------------------|------------------|-------------------|
| Law Offices of Seymour Wasserstrum | Attorney Fees | \$2960.00 |
| IRS | Taxes | \$2099.05 |

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|--------------------------|--|------------|----------------------------|---|--|
| Select Portfolio Service | 134 Watsons Mill Rd Elmer, NJ 08318 | \$5,234.52 | 0% | \$5,234.52 | \$987.44 |

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid |
|----------------------------|---------------------|----------------|------------------------|----------------|--|----------------------|-------------------------|
| Steward Financial Services | 2012 Dodge Caliber | \$11,615.00 | \$6,625.00 | None | \$11,615.00 | 5% | \$13,151.40 |
| Exeter Finance | 2012 Buick Lacrosse | \$18,792.00 | \$10,075.00 | None | \$18,792.00 | 5% | \$21,277.80 |
| IRS | Goods | \$14,099.74 | \$6,879.74 | None | \$6,879.74 | 0% | \$6,879.74 |
| State of NJ | Goods | \$2,883.29 | \$0.00 | None | \$0.00 | 0% | \$0.00 |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
| | | | |

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
National Auto Sales-- Nissan Altima

e. Secured Claims to be Paid in Full Through the Plan:

| Creditor | Collateral | Total Amount to be Paid Through the Plan |
|----------|------------|--|
| | | |

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$ 0.00 to be distributed *pro rata*
☐ Not less than 100 percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

| Creditor | Basis For Separate Classification | Treatment | Amount to be Paid |
|----------|-----------------------------------|-----------|-------------------|
| | | | |

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

| Creditor | Nature of Contract or Lease | Treatment by Debtor |
|----------|-----------------------------|---------------------|
| | | |

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
| | | | | | | | |

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount of Lien to be Reclassified |
|---------------------|------------|-----------------------------------|
| State of New Jersey | Goods | \$2,883.29 |

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|-------------------|---------------------|--------------------------------|---|
| Exeter Finance | 2012 Buick lacrosse | \$21,277.80 | \$7,000.00 |
| Steward Financial | 2012 Dodge Caliber | \$13,151.40 | \$4,000.00 |
| IRS | Goods | \$6,879.74 | \$7,200.00 |

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 12/16/2016.

Explain below **why** the plan is being modified:

- 1) To list correct amount owed to the IRS under Part 3 for priority claims, and to cram down the secured claims owed to the IRS under Part 4(B) & Part 7(C); and
- 2) To list secured debt owed to State of New Jersey to be crammed down under Part 4(B) and Part 7(B).

Explain below **how** the plan is being modified:

- 1) To list correct amount owed to the IRS under Part 3 for priority claims, and to cram down the secured claims owed to the IRS under Part 4(B) & Part 7(C); and
- 2) To list secured debt owed to State of New Jersey to be crammed down under Part 4(B) and Part 7(B).

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 12/16/2016

/s/ Seymour Wasserstrum
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 12/16/2016

/s/ Brian Booker
Debtor

Date: 12/16/2016

/s/ Mary Booker
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Brian T. Booker, Sr.
 Mary F. Booker
 Debtors

Case No. 16-28921-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 55

Date Rcvd: Dec 19, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 21, 2016.

db/jdb
 516428083 +Brian T. Booker, Mary F. Booker, 134 Waton Mill Road, Elmer, NJ 08318-2917
 516428084 +A 1 Collection, 2297 highway 33 suit 906, Trenton, NJ 08690-1717
 516428086 Achieve PT & Fitness LLC, 1940 SW Blvd Bld A, Vineland, NJ 08360
 516428089 Apex Asset Management, 1286 Carmichael Way, Montgomery, AL 36106-3645
 516428092 +++Bureau Of Account Management, 3607 Rosemont Ave, Camp Hill, PA 17011-6904
 +++CENTER FOR DIAGNOSTIC IMAGING, 1450 E CHESTNUT AVE STE 4C, VINELAND NJ 08361-8469
 (address filed with court: Center For Diagnostic Imaging, 1550 E. Chestnut Ave Ste 4c, Vineland, NJ 8361)
 516428090 +Captial One, PO Box 70884, Charlotte, NC 28272-0884
 516428091 Cashline.com, PO Box 9833, Oakland, CA 94613
 516428094 +Cornelius Gaither DDS, ATTN: AC Collections, 432 Ganttwn Rd Ste 105, Sewell, NJ 08080-1895
 516428095 ++ELMER FAMILY PRACTICE PC, PO BOX 577, ELMER NJ 08318-0577
 (address filed with court: Elmer Family Practice, 330 West Front Street, Elmer, NJ 8318)
 516428097 +Fein ,Such Kahn & Shepard, 7 Century Drive, Suite 201, Parsippany, NJ 07054-4673
 516428098 Finger Hut, PO Box 166, Newark, NJ 07101-0166
 516428099 +First Premier, 3820 N. Lousie Ave, Sioux Falls, SD 57107-0145
 516428102 Heather Anderson Esq, 25 Market Street, P.O. Box 080, NJ Deputy Attorney General, Trenton, NJ 08625-0080
 516428103 Homevisions, 1112 7th Ave, Monroe, WI 53566-1364
 516428106 IRS, PO Box 725, Special Procedures Function, Springfield, NJ 7081
 516428104 Inspira Health, P.O. Box 48274, Newark, NJ 07101-8474
 516428109 Jacob Bagley DDS, ATTN: ACB receivables management, Asbury Park, NJ 07712
 516428111 +Montgomery Ward, 1112 7th Avenue, Monroe, WI 53566-1364
 516489542 +Montgomery Ward, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516428112 +National Auto Sales, 123 S Delsea Drive, Glassboro, NJ 08028-2604
 516428113 Office Of Attorney General, 25 Market Street, PO Box 112, Richard J Hughes Justice Complex, Trenton, NJ 08625-0112
 516428115 +PMAB LLC, 4135 S Stream Blvd Ste, Charlotte, NC 28217-4523
 516428116 +Professional Med Adj Bur, 4135 S Stream Blvd Suite 400, Charlotte, NC 28217-4636
 516428117 QDC of Bridgeton LLC, 1117 State Highway 77, Suite A, Bridgeton, NJ 08302
 516428118 +Quality Dental Care, 301 S Main Road, Maintree Shopping Center, Vineland, NJ 08360-7897
 516428119 Regional Otolaryngology, Po Box 48158, Newark, NJ 07101-8358
 516428122 SLM Financial, PO Box 4400, Wilkes-Barre, PA 18773-4400
 516428126 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245
 (address filed with court: State Of New Jersey, P.O. Box 245, Dept Of Treasury-Division Of Taxation, Trenton, NJ 08695-0245)
 516428120 +Salem County Dist Court, 92 Market Street, Salem, NJ 08079-1913
 516428121 +Select Portfolio Servicing, Po Box 65250, Salt Lake City, UT 84165-0250
 516428124 State Of New Jersey, PO Box 951, Dept Of Labor And Workforce Development, Trenton, NJ 08625-0951
 516428125 +State Of New Jersey, P.O. Box 445, Department Of Treasury, Trenton, NJ 08695-0445
 516433724 +Steward Financial Services, c/o Stark & Stark, 993 Lenox Drive, Lawrenceville, NJ 08648-2316
 516428128 Swiss Colony, 1112 7th Ave, Monroe, WI 53566-1364
 516428129 +The Memorial Hospital of Salem, PO Box 1022, Wixom, MI 48393-1022
 516428130 +The Money Source, PO Box 650094, Dallas, TX 75265-0094
 516499971 +The Swiss Colony, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516428132 Underwood Memorial Hospital, 155 Mid Atlantic Parkway, Thorofare, NJ 08086
 516428133 +Verizon Wireless, P.O. Box 26055, Minneapolis, MN 55426-0055

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Dec 19 2016 22:34:38 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Dec 19 2016 22:34:37 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

516428088 E-mail/Text: bankruptcy@pepcoholdings.com Dec 19 2016 22:34:26
 Atlantic City Electric Company, Pepco Holdings, Inc., Bankruptcy Division, Mail Stop 84CP42, 5 Collins Drive, Suite 2133, Carneys Point, NJ 08069-3600

516428093 +E-mail/Text: ned-collections_bankruptcydocuments@comcast.com Dec 19 2016 22:34:45 Comcast, 1500 Market Street, Philadelphia, PA 19102-2107

516428096 +E-mail/PDF: ais.exeter.ebn@americaninfosource.com Dec 19 2016 22:39:57 Exeter Finance, PO Box 166097, Irving, TX 75016-6097

516439489 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Dec 19 2016 22:40:09 Exeter Finance Corp., c/o Ascension Capital Group, P.O. Box 165028, Irving, TX 75016-5028

516428101 +E-mail/Text: joep@fmfcu.org Dec 19 2016 22:34:35 Franklin Mint Federal Credit Union, Po Box 1907, Media, PA 19063-8907

516428107 +E-mail/Text: cio.bncmail@irs.gov Dec 19 2016 22:34:24 IRS, 1601 Market St, Philadelphia, PA 19103-2301

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 55

Date Rcvd: Dec 19, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516428110 E-mail/Text: JCAP_BNC_Notices@jcap.com Dec 19 2016 22:34:41 Jefferson Capital,
16 McLeland Rd, Saint Cloud, MN 56303
516428114 +E-mail/Text: ebn@vativrecovery.com Dec 19 2016 22:34:27 Palisades Collection,
210 Sylvan Avenue, Englewood, NJ 07632-2510
516446042 E-mail/Text: ebn@vativrecovery.com Dec 19 2016 22:34:27 Palisades Collections, LLC,
VATIV RECOVERY SOLUTIONS LLC, dba SMC, As agent for Palisades Collections, LLC,
P.O. Box 40728, Houston, TX 77240-0728
516428085 E-mail/PDF: cbp@onemainfinancial.com Dec 19 2016 22:40:10 American General Finance,
600 N. Royal Ave, Evansville, IN 44715
516428123 +E-mail/Text: bankruptcy@sw-credit.com Dec 19 2016 22:34:38 Southwest Credit,
4120 International Pkwy Suite 1100, Carrollton, TX 75007-1958
516428127 +E-mail/Text: jchrist@stewardfs.com Dec 19 2016 22:34:39 Steward Financial Services,
P.O. Box 39, Maple Shade, NJ 08052-0039
516437360 E-mail/PDF: gecsed@recoverycorp.com Dec 19 2016 22:40:02 Synchrony Bank,
c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,
Miami, FL 33131-1605

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516428131 Transworld Systems Inc, Raritan Plaza II, Edison, NJ 8837
516428134 ZC Sterling Insurance Agency, PO Box 51983, CA 92819
cr* +Steward Financial Services, c/o Stark & Stark, 993 Lenox Drive,
Lawrenceville, NJ 08648-2316
516428087* Apex Asset Management, 1286 Carmichael Way, Montgomery, AL 36106-3645
516428100* +First Premier, 3820 N. Lousie Ave, Sioux Falls, SD 57107-0145
516428105* IRS, PO Box 744, Springfield, NJ 07081-0744
516428108* +Irs, P.O. Box 7346, Philadelphia, PA 19101-7346

TOTALS: 2, * 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 21, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 16, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor U.S. Bank, National Association, as Trustee, as
successor-in-interest to Bank of America, N.A., as successor to LaSalle Bank National
Association, as Trustee for EMC Mortgage Loan Trust 2005-A, Mortga dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
John L. Laskey on behalf of Creditor Steward Financial Services jlaskey@stark-stark.com
Seymour Wasserstrum on behalf of Joint Debtor Mary F. Booker mylawyer7@aol.com,
ecf@seymourlaw.net
Seymour Wasserstrum on behalf of Debtor Brian T. Booker, Sr. mylawyer7@aol.com,
ecf@seymourlaw.net

TOTAL: 6